



WEB COPY

CMA No. 933 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 933 of 2023

1. NIRMALA

w/o. Late Shankar @ Jaishankar, res at
No.1/48, Bajanai Kovil street, Mannur,
Valarpuram, Kancheepuram-602105

2. Nisanth

S/o. Late Shankar @ Jaishankar, res at
No.1/48, Bajanai Kovil street, Mannur,
Valarpuram, Kancheepuram-602105

3. Sarathkumar

S/o. Late Shankar @ Jaishankar, res at
No.1/48, Bajanai Kovil street, Mannur,
Valarpuram, Kancheepuram-602105

4. Sandiya

W/o.Munusamy, res at No.1/48,
Bajanai Kovil street, Mannur,
Valarpuram, Kancheepuram-602105

5. Surya

S/o. Late Shankar @ Jaishankar, res at
No.1/48, Bajanai Kovil street, Mannur,
Valarpuram, Kancheepuram-602105



CMA No. 933 of 2023



Appellant(s)

Vs

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1. The Managing Director
PRM Roadways Pvt. Ltd., No.5, VRP
Chatram, Chennai-Bangalore Road,
Kanchipuram-602105

2.New India Assurance Co. Ltd.
Motor third Party Claims, No.232,
Bombay Mutual Building, 6th Floor,
N.S.C.Bose Road, Chennai-600001

Respondent(s)

CMA No. 933 of 2023

PRAYER

To enhance the award against the judgment and decree dt. 23.09.2022 and made in MACT OP No.3398/2020 on the file of the Motor Accident Claims Tribunal, (Special Sub court No.2, Motor Accidents Claims Petitions) Small Causes Court, Chennai

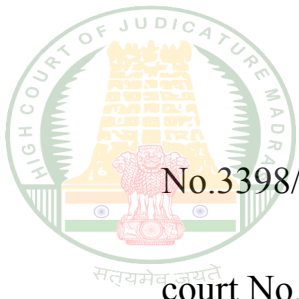
CMA No. 933 of 2023

For Appellant(s): Mr.F.Terry Chella Raja For
Mrs.M.Malar

For Respondent(s): C.Ramesh Babu For R2 R1 - No
Appearance

JUDGEMENT

This Civil Miscellaneous appeal has been filed to enhance the award against the judgment and decree dt. 23.09.2022 and made in MACT OP

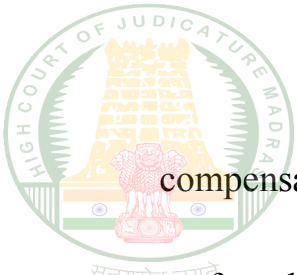


No.3398/2020 on the file of the Motor Accident Claims Tribunal, (Special Sub court No.2, Motor Accidents Claims Petitions) Small Causes Court, Chennai

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2. The brief facts of the case:

On 10.11.2020 at about 11.00 am while the deceased was walking as a pedestrian near Nipco Company in the mud road in a careful and cautions manner following road and traffic rules, at that time a bus bearing Reg. No. TN-21-AU-6988 which belongs to the 1st respondent coming from the opposite direction in a rash and negligent manner endangering to the public safety and dashed against the deceased and pulled him upto certain distance. Due to which the deceased sustained multiple grievous injuries all over the body. Immediately after the accident he was taken to Saveetha Hospital, Tandalam whereby first aid treatment was given thereafter took treatment at Sri Ramachandra Hospital, Porur and then admitted at Rajiv Gandhi Government General Hospital and died on 15.11.2020 despite of treatment. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second respondent Insurance company contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a sum of Rs.21,20,000/- as



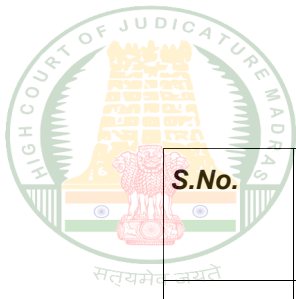
compensation. Challenging the quantum of compensation, the claimants preferred this appeal.

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The learned counsel for the claimants/appellants submit that the deceased was worked as cook in the hotel without considering the same the tribunal has fixed only Rs.12,000/- as notional income which is very meagre. Hence, he prays to enhance notional income of the deceased.

The learned counsel for the contesting respondent submits that the tribunal has rightly awarded compensation which needs no interference. Hence, he prays to dismiss this appeal.

Considering the facts and circumstances of the case, the accident was happened in the year 2020 and also considering the cost of living at the time of the accident. This Court is inclined to enhance notional income of deceased from Rs.12,000/- to Rs.18,000/-. Accordingly, the claimants are entitled to Rs.28,35,000/-(18,000+4500)x12x14 – (1/4) for loss of dependency. Except above modification, the award passed by the tribunal in other heads remain unchanged.



S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Rs.18,90,000/-	Rs.28,35,000/-
2.	Loss of estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of consortium	Rs.2,00,000/-	Rs.2,00,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
	Total	Rs.21,20,000/-	Rs.30,65,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.30,65,000/-. The respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MACT OP No.3398 of 2020 on the file of the Motor Accident Claims Tribunal, (Special Sub court No.2, Motor Accidents Claims Petitions) Small Causes Court, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.



7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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Causes Court, Chennai



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T.V.THAMILSELVI J.
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